REMARKS

The claims have been amended to more clearly define the invention as disclosed in the written description. In particular, claims 21, 22 and 24 have been cancelled. In addition, the claims have been amended for clarity.

The Examiner has rejected claims 1-24 under 35 U.S.C. 102(e) as being anticipated by U.S. Patent 6,816,878 to Zimmers et al.

The Zimmers et al. patent discloses an alert notification system in which alerts may be received on the Internet and are transmitted to the appropriate subscribers via various means.

As noted in MPEP § 2131, it is well-founded "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Further, "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

The subject invention enables an Internet-related system to be able to communicate notifications of events. A feature of standard radio and television systems is the ability to insert or substitute notifications into, or in place of, programming being

PHUS018053-AMT-043006   11

transmitted to a select group of receivers. The subject invention, as claimed in claim 1, includes "at least one sending device operatively connected to the data communications network, the at least one sending device sending a stream of packets", "at least one receiving device operatively connected to the data communications network, the at least one receiving device capable of receiving and processing data, the at least one receiving device receiving and rendering said stream of packets", "a monitor operatively in communication with the sending devices, the monitor further being able to access the set of selectively retrievable messages stored in the persistent data store", and "monitoring software, at least a portion of which is resident and executable within the monitor, the monitoring software causing the monitor to detect the event in the packet transmitted by the at least one further sending device, to select at least one of the selectively retrievable messages based on the event, to modify data in the packet containing the event to include the selected retrievable message, and to substitute said modified packet for a corresponding packet in said stream of packets, whereby said at least one receiving device renders said selected retrievable message".

Applicant submits that Zimmers et al. neither discloses or suggests the transmission and reception of a stream of packets, the detecting of an event in a packet, the modification of the packet by inserting a message in the packet corresponding to the detected

PHUS018053-AMT-043006   12

event, and the substitution of the modified packet for a corresponding packet in the stream of packets such that the message is rendered by the receiving device.

With regard to the monitoring software as claimed in claim 1, the Examiner makes reference to the Zimmers et al. database query system 112 and col. 6, lines 46-67. Applicant submits that Zimmers et al. merely indicates that the system receives data from various sources, formulates messages, "identifies subscribers to be individually alerted, and then alert notifications area delivered to subscribers, via telephone, via facsimile, via electronic mail or via other electronic communications." (col. 11, lines 30-34).

Claim 11 includes the limitation "replacing each original packet being received by the receiving device with a new packet comprising a predetermined portion of the selected retrievable message for the duration of the selected retrievable message". The Examiner has indicated that this is taught by Zimmers et al. at col. 11, lines 10-67.

Applicant submits that the Examiner is mistaken. In particular, Zimmers et al. describes that alert conditions may be generated by authorized individuals via, e.g., the Internet, and that the messages may be delivered by telephone, facsimile, e-mail, etc. However, there is no disclosure or suggestion that an original packet being received by the receiving device is replaced by a new packet containing the message.

PHUS018053-AMT-043006   13

Claim 15 specifically states "storing a predetermined portion of the original packet for later retrieval before replacing each original packet with a new packet comprising a predetermined portion of the selected retrievable message." The Examiner has indicated that this limitation is taught by Zimmers et al. in the same section, to wit, col. 11, lines 10-67.

Again, Applicant submits that the Examiner is mistaken. In particular, Zimmers et al. makes no mention of original signals or packets being received by a receiving device and the storing (for later retrieval) of a predetermined portion of the original packet prior to its being replaced by the new packet containing the message.

In view of the above, Applicant believes that the subject invention, as claimed, is neither anticipated nor rendered obvious by the prior art, and as such, is patentable thereover.

Applicant believes that this application, containing claims 1-20 and 23, is now in condition for allowance and such action is respectfully requested.

Respectfully submitted,

by Edward W. Goodman, Reg. 28,613
Attorney
Tel.: 914-333-9611

PHUS018053-AMT-043006   14